



Winston H. Hickox
Secretary for
Environmental
Protection

State Water Resources Control Board

Division of Water Quality

1001 I Street • Sacramento, California 95814 • (916) 341-5752
Mailing Address: P.O. Box 2231 • Sacramento, California • 95812
FAX (916) 341-5808 • Internet Address: <http://www.swrcb.ca.gov>



Gray Davis
Governor

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption.
For a list of simple ways you can reduce demand and cut your energy costs, see our website at <http://www.swrcb.ca.gov>.*

NOTICE OF PUBLIC HEARING

PROPOSED UNDERGROUND STORAGE TANK (UST) "RED TAG" REGULATIONS

Tuesday, August 26, 2003 at 10:00 a.m.
Sierra Hearing Room, Joe Serna Jr./Cal/EPA Building
1001 I Street, Sacramento

SUBJECT OF HEARING

The State Water Resources Control Board (SWRCB) will hold a public hearing to seek statements or arguments orally or in writing relevant to adopting the proposed regulations concerning "red tags" for underground storage tanks (USTs) into title 23 of the California Code of Regulations.

BACKGROUND

In 1984, California initiated a uniform regulatory program for USTs, which is implemented by over 100 local agencies. These agencies require owners and operators of USTs to comply with the UST regulations. By December 22, 1998, all USTs were required to meet federal and State upgrade requirements for corrosion, spill and overfill protection, and leak detection. In accordance with Health and Safety Code section 25284, after the tanks at a facility were upgraded, the local agency issued the UST owner an UST upgrade certificate of compliance that was to be affixed in a conspicuous place. In addition, section 2712.3(b) of California Code of Regulations, required a tag to be displayed on the fill pipe of each upgraded UST. After January 1, 1999, fuel deliveries to a facility without the UST upgrade compliance certificate were prohibited. After the 1998 deadline had passed and facilities had complied with the requirements, there was no longer a need for the upgrade certificate. Therefore, on January 1, 2003, Assembly Bill 2481 (Stats. 2002, Ch. 999) amended Health and Safety Code section 25284 to remove the requirement for upgrade certificates.

Instead, Assembly Bill 2481 provided a new enforcement mechanism for local agencies to use to prohibit fuel delivery to noncompliant UST systems. Effective January 1, 2003, a local agency may prohibit fuel delivery to an UST system found to have one or more "significant violations" by affixing a red tag to the system's fill pipe (Health & Safety Code section 25292.3, subdivision (a)). Assembly Bill 2481 required the SWRCB to adopt regulations defining significant violations (Health & Safety Code § 25292.3, subdivision (g)). Accordingly, we are proposing to amend section 2713 and adopt sections 2717, 2717.1, 2717.2, 2717.3, 2717.4, 2717.5 and 2717.6 in title 23 of the California Code of Regulations.

The notice of proposed rulemaking, the initial statement of reasons, and the text of the proposed regulations are available either by accessing the SWRCB UST Program web page at: <http://www.swrcb.ca.gov/cwphome/ust/> or by writing to Mr. David Boyers or Ms. Leslie Alford at the addresses provided at the end of this notice.

HEARING ISSUES

The purpose of this hearing is to provide an opportunity for persons to present statements or arguments orally or in writing relevant to the proposed regulatory action.

PROCEDURAL MATTERS

This is a public hearing and a SWRCB member will be present. The proceedings will be recorded and placed into the Rulemaking File. There will be no sworn testimony or cross-examination of participants, but the Hearing Officer(s) and SWRCB staff may ask clarifying questions. To ensure that all attendees have a chance to participate in the hearing, oral comments may be limited to ten minutes or less.

Written comments not presented at the public hearing will be considered by the SWRCB if they are received prior to 5:00 p.m. on August 26, 2003. Submit written comments to Mr. David Boyers at the address provided at the end of this notice.

PARKING AND ACCESSIBILITY

A map showing the location of the Joe Serna Jr. Cal/EPA Headquarters Building and nearby parking is available on the SWRCB's web site at www.swrcb.ca.gov/ust. Note that all hearing attendees will be required to check in with building security upon arrival. All visitors are required to sign in and receive a badge prior to attending any meeting. The Visitor and Environmental Services Center is located just inside and to the left of the Cal/EPA Building's public entrance. Valid picture identification may be required due to the security level, so please allow up to 15 minutes for this process.

CONTACT INFORMATION

Questions concerning this notice may be directed to Mr. David Boyers or Ms. Leslie Alford at:

Mr. David Boyers Office of Chief Counsel State Water Resources Control Board P. O. Box 100 Sacramento, CA 95812-0100 E-mail address: Dboyers@exec.swrcb.ca.gov Phone: (916) 341-5182	Ms. Leslie Alford Underground Storage Tank Enforcement Unit State Water Resources Control Board P. O. Box 2231 Sacramento, CA 95812 E-mail address: alfordl@swrcb.ca.gov Phone: (916) 341-5810
---	--


Debbie Irvin
Clerk to the Board

June 16, 2003
